

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 3.11.20

RICHARD CABAN,

Plaintiff,

19cv6205 (JGK)

- against -

ORDER

APPEALS COMMITTEE OF THE BOARD OF
THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND et al.

Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff. The plaintiff should respond to the motion to dismiss or in the alternative for summary judgment by **April 24, 2020**. The defendant should then reply by **May 8, 2020**. If the plaintiff fails to respond, the Court may decide the motion on the current papers.

The plaintiff may find it helpful to consult with the New York Legal Assistance Group's Pro Se Clinic. The plaintiff may make an appointment by calling 212-659-6190 between the hours of 10:00 AM and 4:00 PM.

SO ORDERED.

Dated: New York, New York
March 10, 2020



John G. Koeltl
United States District Judge

Copy mailed to pro se party(ies)
at docket address

United States District Court
Southern District of New York

Richard Caban,

Plaintiff,

- against -

6205
19cv6505 (JGK)

ORDER

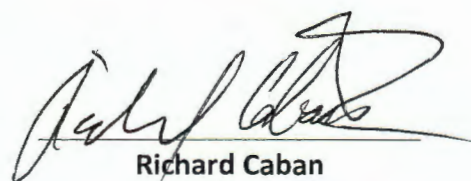
Appeals Committee of The Board Of
The New York District Council Of
Carpenters Pension Fund et al . ,

Defendants.

John G. Koeltl, District Judge:

Dear Your Honor,

I would like to dispute the case regarding my current standing of my pension that was taken away from me. Over the past years, there has been corruption, confusion and injuries that has taken place on the job site. I was involved with an on the site accident during 1996 which was the cause of me to become absent from the field. I had recently been inactive from the work field since September 19th 2019 and had underdo surgery December 17th 2019. From there, to my knowledge, I believed that there was some sort permanent security for my pension from the time I would be absent from the work field. Unfortunately, that wasn't the case. I am writing this letter today, as I was advised by Legal Team of the District Court located at 500 Pearl Street, to dispute the motion that was placed against me. I had also thought that there would be a legal aid representing me for this case but recently, I had been advised that the Legal Team of the District Court doesn't provide a legal aid. I am currently struggling to find the proper help. If there is nothing that could be done to help me in this case, then I would like the court to please squash the case due to my lack of awareness with the rules of the pension. Thank you for you time.



Richard Caban

Richard Caban
UBC #: 65241379
84 Madison Street
Lynbrook, New York 11563

12th March 2019

District Council Board of Trustees
395 Hudson Street
New York, New York 10014

To Whom It May Concern,

In 1993, I was given the opportunity to become a carpenter, through the apprenticeship-training program, with the hope of furthering my career as a journeyman carpenter through the program and to further my opportunities as a union worker.

During the time that I was in the union, there was a lot corruption in the political office of the district council and union. I was sent to jobs that would only last a week, maybe two weeks or maybe a month. I was given very little employment to work during the time I served there. I would go on jobs and there would be conspiracies built against other workers and myself, lies within the organization, and slandering statements made against me, stating that I wasn't a good carpenter, to get me removed from my rightful position and to place someone in a field of position that they had favoritism to.

This has happened for several years before the law got involved and helped clean up the dirty workers, which caused me to lost the opportunity to receive pension credits. Following that, I have had, a few accidents on the job that has caused me to have a break of service and to not only lose a few of my credits but I have lost all of my pension credits, that after 25 years of work and paying union dues, I have nothing going for my future of retirement. I am 57 years old and hoping someone at the district council takes my word and this letter into consideration and to have the courtesy to help me to reinstate the few credits that was taken from me, which I put blame on the corruption that was going on, at that time. I remember that I was put on jobs that would last 2 to 3 years as a Shop Stewart, appointed by the district council and then get bumped of the job site and all the other jobs the same way. I had no job security for the 25 years I have been serving for the union.

I would take steps of precaution and call the hot line to make reports towards the political issues that were taking place and to help myself and others stay protected under union laws, but even up to the hot lines were corrupt as well. And I was stuck in a situation where I had no power as a Shop Stewart to speak out against the corruption and lies that has been going on for years but finally, I've learned that the union has made many changes and there has been a lawsuit case filed against the members of corruption in the union. All of the people that were involved robbing the union were now fired and arrested for their actions and now there has been more hope for the future of the union and district council because they have reduced the number of the dirty workers that were robbing the district council for many different crimes.

The reason why I've become a Shop Stewart in the first place was because one of the BA's, Billy Handly, had advised me to become a Shop Stewart in the interest of obtaining more work, and even he was crook too. I've pursued becoming a Shop Stewart because I was promised more work and better

opportunities but the guys that made this recommendation was just falsely giving me hope meanwhile they were sending out other people to jobs after they "guaranteed" to me that I would have more work.

This confusion and false promises made towards my future has caused a lot of mental and emotion distress because they have left me thinking that there would be a better opportunity in the future but this has affect myself, my family, and the people around me and now I am under distress because I have no guarantee that I will have a secure future.

Not only did this happen with the BA, but it also happened with the companies. They would knock down and disrespect my work ethic, although I am more than qualified with about 13 different certifications and trained with many different skill sets. They would still abuse me on the job scene, which had also caused stress towards my well-being. I was already a carpenter before I came to the union, I knew my work and that's why I was given the opportunity to work with the union so whatever they were saying and claiming against me was false and scandalous. I was even trained by the district council's technical college themselves.

If you don't believe that I was out on the work field and there were jobs being taken from me, check out my work history and portfolio and you will see the change in the work pace throughout my career as it diminished throughout time.

On April 7, 2006 I involved with an accident on the union jobsite due to a scaffold collapsing, causing severe injuries to my back and knees, which lead to multiple surgeries and many physical therapy sessions. This has left me in a state of chronic pain but I have overcame that pain and have the will power to work and continue my practice as a Shop Stewart. There are still many things I want to do within this field and many different skills I want to learn so I can help aid the union in my practice and grow within my skill set.

Sometime in June 2018, I have decided to put my name back on the list in hope of working with the union again. I have decided to join the work force again because of the new management and in hopes that there isn't any more corruption like there was back in the past. It has been a decent 9 months but there are still some people, I believe, not working up to union guidelines and are trying to set conspiracies against other Shop Stewarts and I am greatly concerned because it would be a shame if history were to repeat itself with the corruption of the past. I have noticed a handful of people not following their roles as workers, Shop Stewarts and a couple of other people that has come to my attention. I am willing to help aid and get rid of corruption in the union.

Over the years, I have felt used, abused and neglected as they used me and took my future away from me. All I am looking for is some sort of restitution or some form of reinstatement for the credits I have lost. I am here today to serve and better the future of the district council and union as I was back in the past and I as am today. I am doing my best to maintain a balance of power within the system so there isn't a second corruption again towards me or any other members in the union. I am one of the very first Latino Club members, elected by Mickey Anotonucci himself as a trustee, and bought into the five thousand flyers and also designed the logo to show my involvement in the Latino Club. Thank you

Sincerely,

Richard Caban,
UBC#: 65241379

Richard Caban
84 madison street
Lynbrook NY. 11563

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To, united states District Court
Southern District of New York
500 Pearl St New York NY. 10007
ATTN: Honorable John G Koeltl District
Judge.

10007-133099

